

Application Serial No: 10/608,379  
Responsive to the Office Action mailed on: October 16, 2007

RECEIVED  
CENTRAL FAX CENTER  
JAN 16 2008

### REMARKS

This Amendment is in response to the Office Action mailed on October 16, 2007. Claims 1 and 2 are amended editorially for clarity. Claims 4 and 5 are new. Claim 4 is new and is supported, for example, in the specification at paragraph [0064]. Claim 5 is new and is supported, for example, in the specification at paragraph [0065]. No new matter is added. Claims 1-5 are pending.

#### §103 Rejections:

Claims 1 and 2 are rejected as being unpatentable over Watabe (US Patent No. 5,796,936) in view of Letang (US Patent No. 6,587,767). This rejection is traversed.

The combination of Watabe and Letang do not teach or suggest the features of claim 1. Watabe is directed to a distributed control system with controllers to control an engine (1), a transmission (2), a suspension (3), a brake (4), a power steering system (5), fault diagnosis (6), a drive recorder (7) and a man-machine interface (8). Controllers (1-5) all require that the engine be turned on to perform correctly (see column 22, line 60-column 24, line 11). The controller (6) detects a fault or degradation of another controller by comparing the quantities of state or the manipulated variables, sent from other controllers through the network (1000), with its own simulation results (see column 24, lines 12-20). Thus, state quantities or the manipulated variables cannot be obtained unless the engine is in a running or operating state. Thus, the vehicle meter unit of Watabe cannot perform a fault diagnosis operation when the engine is not running.

The rejection asserts that it would be obvious to modify the distributed control system of Watabe to include a control unit of Letang with the features of transmitting a signal via the CAN controller to perform fault diagnosis to said systems when an engine of the vehicle is stopped and an ignition switch has been turned on. However, Letang is directed to a real-time maintenance alert system that transmits a command to perform fault diagnosis on various sensors in the vehicle when the engine is stopped and not on vehicle systems as required by claim 1. Also, it is not logically possible to combine the distributed control system of Watabe with the Letang because the distributed control system of Watabe would be inoperable for obtaining data from and detecting faults in controllers (1-5) when the engine is not running. Thus, Watabe and Letang provide

Application Serial No: 10/608,379  
Responsive to the Office Action mailed on: October 16, 2007

conflicting teachings of performing fault diagnosis operations and cannot be combined to provide the features of claim 1.

Moreover, nowhere does Letang or Watabe teach or suggest a control unit that transmits via a vehicle meter unit CAN controller a command to perform fault diagnosis to systems when an engine of the vehicle is stopped and an ignition switch has been turned on. Letang only teaches waiting for the oil level sensor to detect whether the oil level is at an acceptable level when the engine is stopped. Watabe only teaches performing when the engine is in a running or operating state. Neither reference teaches or suggests transmitting a command to perform fault diagnosis to systems when the engine is stopped and the ignition switch is turned on. For at least these reasons claim 1 is not suggested by the combination of Watabe and Letang.

Claim 3 is rejected as being unpatentable over Watabe in view of Letang and further in view of Rossow (US Patent No. 6,493,616). Claim 3 depends from claim 1 and is allowable for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Conclusion:

Applicants respectfully assert that claims 1-5 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Curtis B. Hamre (Reg. No. 29,165), at (612) 455-3802.



Dated: January 16, 2008

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402-0902  
(612) 455-3800

By:

A handwritten signature in black ink, appearing to read "Curtis B. Hamre".

Curtis B. Hamre  
Reg. No. 29,165  
CBH/ahk